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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,855	12/28/2001	David Charles Potts	KCC-16,963	9630
35844	7590	01/27/2004	EXAMINER	
PAULEY PETERSEN KINNE & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195			BOYD, JENNIFER A	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,855

Applicant(s)

POTTS ET AL.

Examiner

Jennifer A Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 43-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 pages.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, claims 16 – 42, in the Response dated November 3, 2003 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16 - 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Luccio et al. (US 2002/0040210 A1).

Luccio et al. is directed to a personal care absorbent article such as a disposable diaper, sanitary pad or tampon, wound dressing or bandage (Abstract).

As to claims 16 and 17, Luccio teaches a nonwoven web comprising a plurality of polymeric fibers and comprising at least one treatment of chemistry (page 1, section [0010]). Luccio teaches that the nonwoven web can include spunbonded materials, meltblown materials, bonded carded web materials, bonded and unbonded pulp materials, coform materials and combinations thereof, for example, multilayer materials and laminates (page 1, section [0011]), which are known to be absorbent materials, thus equated to Applicant's "absorbent material". Suitable chemistries for the use in the nonwoven webs include gelling agents and lysing agents

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(page 2, section [0013]). The Examiner equates the gelling agent to Applicant's "gelling agent" and the lysing agent to Applicant's "red blood cell lysing agent". Luccio teaches that the nonwoven web can be treated with a blood lysing agent (page 8, section [0071]), therefore, the lysing agent would cover Applicant's "central region" along with the rest of the surface of the nonwoven web. Luccio teaches that the gelling agent may be disposed alongside or within the edges of the absorbent core, or nonwoven, of an absorbent article (page 9, section [0077]). Therefore, the gelling agent is applied to Applicant's "peripheral region".

As to claim 18, Luccio teaches that a superabsorbent polymer can be added to the nonwoven web (page 10, [0080]).

As to claim 19, Luccio teaches that the gelling agent can be chitosan, CELQUAT or UCARE polymer (page 10, section 0080)]. On page 18, lines 10 – 15 of Applicant's Specification, the Applicant teaches that CELQUAT is a polyquaternium cellulosic and UCARE is a cellulose with propylene oxide groups.

As to claim 20, Luccio teaches that the red blood cell lysing agent can be GLUCOPON 220, an octylpolyglycoside or MASIL, an alkoxyated polysiloxane among other materials (page 8, [0071]).

As to claims 21 – 23, Luccio teaches that the gelling agent, CELQUAT, can be present in amount of 3 and 10% (Table 3, page 10, [0080]).

As to claims 24 – 26, Luccio teaches that the lysing agent is effective at concentrations as low as 0.1% by weight (page 8, [0071]), therefore, the lysing agent could be used at amounts greater than 0.1% by weight.

As to claims 27 and 32 - 33, Luccio teaches a nonwoven web comprising a plurality of polymeric fibers and comprising at least one treatment of chemistry (page 1, section [0010]). Luccio teaches that the nonwoven web can include spunbonded materials, meltblown materials, bonded carded web materials, bonded and unbonded pulp materials, coform materials and combinations thereof, for example, multilayer materials and laminates (page 1, section [0011]), which are known to be absorbent materials, thus equated to Applicant's "absorbent material". Suitable chemistries for the use in the nonwoven webs include gelling agents and lysing agents (page 2, section [0013]). The Examiner equates the gelling agent to Applicant's "gelling agent" and the lysing agent to Applicant's "red blood cell lysing agent". Therefore, in one embodiment, the nonwoven can comprise multiple layers both containing a red blood cell lysing agent and a gelling agent. It should be noted that nothing in the claim language precludes the incorporation of *both* agents in *both* layers.

As to claim 28, Luccio teaches that the nonwoven web can be treated with a blood lysing agent (page 8, section [0071]), therefore, the lysing agent would cover Applicant's "central region" along with the rest of the surface of the nonwoven web.

As to claim 29, Luccio teaches that the gelling agent may be disposed alongside or within the edges of the absorbent core, or nonwoven, of an absorbent article (page 9, section [0077]). Therefore, the gelling agent is applied to Applicant's "peripheral region".

As to claims 30 - 31, Luccio teaches that the nonwovens may comprise multilayer nonwovens (page 1, section [0011]). Luccio teaches that the materials can be used as topsheets, absorbent cores or impermeable backsheets (page 4, [0043]). The Examiner equates the topsheet

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to Applicant's "intake layer", the absorbent core to Applicant's "containment layer" and the impermeable backsheet to Applicant's "liner".

As to claim 34, Luccio teaches that a superabsorbent polymer can be added to the nonwoven web (page 10, [0080]).

As to claim 35, Luccio teaches that the gelling agent can be chitosan, CELQUAT or UCARE polymer (page 10, section 0080]). On page 18, lines 10 – 15 of Applicant's Specification, the Applicant teaches that CELQUAT is a polyquaternium cellulosic and UCARE is a cellulose with propylene oxide groups.

As to claim 36, Luccio teaches that the red blood cell lysing agent can be GLUCOPON 220, an octylpolyglycoside or MASIL, an alkoxyated polysiloxane among other materials (page 8, [0071]).

As to claims 37 - 39, Luccio teaches that the gelling agent, CELQUAT, can be present in amount of 3 and 10% (Table 3, page 10, [0080]).


As to claims 40 - 42, Luccio teaches that the lysing agent is effective at concentrations as low as 0.1% by weight (page 8, [0071]), therefore, the lysing agent could be used at amounts greater than 0.1% by weight.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0994.


Jennifer Boyd
January 15, 2004


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700